



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

October 31, 2005

Reply to
Attn. of: ETPA-088

Ref: 05-049-MMS

Paul Stang
Regional Supervisor, Alaska OCS Region
Minerals Management Service
3801 Centerpoint Drive, Suite 500
Anchorage, AK 99503-5823

Re: Notice of Intent: Outer Continental Shelf, Alaska Region, Chukchi Sea Oil and Gas
Lease Sale 193 for 2007

Dear Mr. Stang,

The U.S. Environmental Protection Agency (EPA), in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, has reviewed the September 14, 2005 Federal Register Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Chukchi Sea Oil and Gas Lease Sale 193 for 2007. EPA appreciates the opportunity to provide scoping comments at this stage of the EIS development process.

As noted in the NOI, preparation of an EIS and Record of Decision (ROD) for Lease Sale 193 may not be completed by the end of the current 5-Year Outer Continental Shelf (OCS) Program for 2002-2007. The Minerals Management Service (MMS) is currently developing a Programmatic EIS for a new 5-Year OCS Oil and Gas Leasing Program for 2007-2012. Therefore, a potential decision to proceed with Lease Sale 193 that occurs after the end of the current 5-Year Program will need to be considered in the next 5-Year Program, if the next program includes such a potential sale. During the development of each EIS, it will be very important for the MMS to clearly communicate to agencies, Tribes and the public how the two documents are being developed concurrently, how information that is provided for the Lease Sale 193 Draft EIS may be relevant to decisions for the next 5-Year Program, and how the next 5-Year Program may affect the potential for Lease Sale 193.

PURPOSE AND NEED

The EIS should provide a clear and concise statement of the purpose and need for conducting a lease sale in the Chukchi Sea planning area. EPA recommends that the MMS provide information that identifies how the lease sale responds to the current Administration's goal to expedite exploration of domestic energy resources, as stated in the NOI, and what alternatives alone or in combination, including those other than off-shore oil and gas development, may supply that need.

PUBLIC PARTICIPATION

It is our understanding that the MMS is not conducting formal public scoping meetings for the Lease Sale 193 EIS during the scoping comment period that ends October 31. EPA recommends that, prior to the development of the Draft EIS, the MMS develop a proactive public participation plan that describes what actions the MMS will take to keep agencies, Tribes and the public informed during the EIS development process and provide opportunities for additional input. One such opportunity may come after the MMS has developed the range of reasonable alternatives to be evaluated in the EIS. In addition, EPA recommends that the MMS prepare a Scoping Summary Report and provide this report to the public and Tribes for review and comment during the Draft EIS preparation stage.

DEVELOPMENT OF ALTERNATIVES, INCLUDING THE PROPOSED ACTION

The range of alternatives developed by the MMS should represent a wide spectrum of all reasonable and feasible actions that would consider development of oil and gas resources while providing full protection of subsistence, cultural and environmental resources. The EIS should also describe the specific criteria that were used to develop the range of alternatives and select an agency preferred alternative.

Although not expressly stated in the NOI, it is our understanding that because the near-shore polynya area, which encompasses the open-lead area that whales use for migration, is excluded from the current MMS 5-year Program, it will also be excluded from a Lease Sale 193. EPA commends the MMS for recognizing and protecting the important biological, cultural and subsistence resource values of the polynya area. We recommend continued protection of the area in the Lease Sale 193 EIS.

The range of reasonable alternatives should also consider removal of additional areas with sensitive fish and wildlife, subsistence, and cultural resources from oil and gas exploration, development and production that are identified during development of the EIS. At a minimum, we recommend the MMS defer such areas until further research and studies are conducted to ensure that development can occur without significant impacts to critical resources.

RESOURCE DEVELOPMENT SCENARIOS

The EIS should describe various scenarios for oil and gas development within the Lease Sale 193 planning area, and these scenarios should include transportation and infrastructure options to access areas of high potential oil and gas for exploration, development, production and distribution to market. For the various development scenarios, the EIS should identify and evaluate the direct, indirect and cumulative impacts associated with exploration, development, production and distribution to market of oil and gas resources. The cumulative effects analysis should also evaluate the past, present and reasonably foreseeable future actions associated with Lease Sale 193.

TRIBAL CONSULTATION AND COORDINATION

EPA recognizes that the MMS supports and abides by the *Department of Interior-Alaska Policy on Government-to-Government Relations with Alaska Native Tribes* (January 18, 2000), which provides guidance to all Department of Interior agencies involved with federal actions that will have a substantial, direct effect on federally recognized Tribes in Alaska. Based on our

experience working with Tribes, we have found that a Tribal Government-to-Government Consultation Plan is instrumental in outlining the process for working effectively with Tribal governments during the EIS development process. Therefore EPA encourages the MMS to develop a Tribal Government-to-Government Consultation Plan that defines and describes a process for working effectively with tribal governments, and to share the Plan with Tribes for review and comment.

The EIS should document the tribal consultation and coordination process by providing a chronology with the dates and locations of meetings with tribal governments, results of the meetings, and a discussion of how the Tribes' input was used to develop the EIS. The consultation and coordination with tribal governments should continue throughout the EIS development phase. This process is an opportunity to gather traditional ecological knowledge (TEK) about local subsistence use and harvest, cultural resources, and migration patterns of subsistence resources in the planning area. TEK, in addition to empirical scientific data, should be used to develop and evaluate alternatives and potential mitigation measures.

ENVIRONMENTAL JUSTICE

In accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, the EIS should include an Environmental Justice (EJ) analysis that describes the actions taken by the MMS to identify minority and low-income populations, determine and evaluate the magnitude and significance of potential human health and environmental effects from alternatives on those populations in affected communities, and present opportunities for affected communities to provide input into the NEPA process. If disproportionately high and adverse human health or environmental effects are determined to result from action alternatives or the cumulative case, then mitigation measures should be incorporated to avoid and minimize the magnitude and intensity of the impacts to minority and/or low-income populations.

WATER QUALITY

The EIS should describe the existing physical, chemical and biological characteristics of the Chukchi Sea areas that are included in oil and gas leasing alternatives and development scenarios. Baseline water quality data are key in the evaluation of projected impacts; therefore, data from relevant sampling and other research and monitoring efforts should be included as part of the "affected environment" discussion. The discussion should identify the amount and quality of available resource information, including data gaps and needs. The EIS should also address impacts on water quality, sensitive biological habitats and species from oil spills and other OCS activities.

ANALYSIS OF IMPACTS FROM SPILLS/BLOW-OUTS

Assessment of the environmental risk of a blowout or major oil spill should be described as distinct from evaluations of potential impacts to the marine environment should a blow-out or major oil spill occur. Conclusions about impacts should be based on an analysis of potential impacts in the event of a significant blow-out or oil spill, and the risk probability analyses should be evaluated separately. In addition, any low estimates of resource reserves and potential in portions of the lease sale planning area should not be linked to conclusions regarding

environmental impacts. In other words, a low probability of discovering commercial finds in any portion of the planning area should not be equated with insignificant environmental impacts.

The EIS should include a detailed discussion of how potential adverse impacts from oil spills may be lessened by effective containment and cleanup operations. The discussion should include how effective containment and cleanup operations would be affected by oceanic and meteorological conditions that occur in the leasing area and that are predicted to occur throughout the life of the potential leases. These include but are not limited to wind speeds and directions, sea states, ice, temperatures and fog. This will be important information to describe and discuss, especially in light of demonstrated and anticipated climate changes in the arctic region, including the Chukchi Sea.

GLOBAL WARMING AND CLIMATE CHANGE

According to the National Academy of Sciences, the earth's surface temperature has risen in the past century, with accelerated warming during the past two decades. There is strong evidence that most of the warming over the last 50 years is attributed to human activities, in particular those that result in the build up of greenhouse gases (carbon dioxide, methane, and nitrous oxide). The heat trapping property of these gases is undisputed although uncertainties exist about exactly how earth's climate responds to them. Climate responses vary at different locations on the earth. Data show that warming effects are amplified in the Arctic. A current International Arctic Science Committee (IASC) report, the *Arctic Climate Impact Assessment*, states that Alaska experienced an increase in mean annual temperature of about 2 to 3 °C (3.6 to 5.4 °F) between 1954 and 2003. Over the last three decades, there has been a sharp reduction in snow-cover extent and duration, sea-ice retreat and thinning, and permafrost retreat.

Changing climatic conditions should be taken into account as the draft EIS for the Chukchi Sea is being developed. In particular, we recommend including analyses of potential impacts of changing climate on the project and the project's potential to exacerbate the climate change phenomena through direct impacts. Ocean temperature, circulation patterns, shipping routes, air quality, and fisheries are among the factors that should be considered. EPA acknowledges that the interaction between resource use and climate change is complex and not fully understood at this time. However, we recommend that the MMS recognize the need for ocean resource use and development strategies that anticipate changes to resources due to climate change, and mitigate for potential contributions to climate change due to ocean resources development. We recommend the MMS incorporate this information into the draft EIS, and include updated results of research and monitoring studies that have contributed to understanding the present and future effects of climate change on the Chukchi Sea and its fish and wildlife resources.

EPA appreciates the opportunity to participate early in the planning process by providing scoping comments on the Chukchi Sea Lease Sale 193 EIS. We are available to discuss our issues and comments with your office throughout the planning process for this EIS. If you have any questions regarding our comments, please contact me at (907) 271-1481, or by email at burgh.colleen@epa.gov.

Sincerely,

Colleen Burgh
NEPA Review Coordinator
Alaska Oil and Gas Sector